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Publicly Flled Pursuant to the Oct. 13, 2021 Standing Order by the Hon. Alan D. Albright

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS WACO DIVISION

THERMOLIFE INTERNATIONAL, LLC,

Plaintiff

-VS-

HUMAN POWER OF N COMPANY, Defendant

6-21-CV-00144-ADA

ORDER GRANTING DEFENDANT'S SECOND EMERGENCY APPLICATION FOR TEMPORARY RESTRAINING ORDER

Before the Court is Defendant Human Power of N Company's ("HumanN") Second Emergency Application for Temporary Restraining Order and Anti-Interference Injunction filed. ECF No. 66. Plaintiff ThermoLife International, LLC ("ThermoLife") did not file a response, but presented its arguments during the hearing held on December 7, 2021.

ThermoLife initiated this action in this Court, asserting the'968, '531, and '140 patents against HumanN, and previously pursued evaluation of the same patents through Amazon's Patent Evaluation Process. The Court granted HumanN's first emergency application of TRO and enjoined ThermoLife from pursuing the Amazon Patent Evaluation Process for those patents. Dkts. 11 and 33.

Subsequently, ThermoLife started to pursue evaluation of U.S. Patent No. 10,842,813 (the "'813 patent"), which is related to the '948 and '140 patents, through Amazon's Patent Evaluation Process. HumanN sought the Court's leave to file its First Amended Answer and Counterclaim, seeking to add counterclaims for a declaratory judgment of non-infringement and invalidity of the '813 patent. Dkt. 65. The Court granted HumanN's motion for leave to file its Case 6:21-cv-00144-ADA Document 89 Filed 12/21/21 Page 2 of 2

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First Amended Answer and Counterclaim and now the '813 patent is also at issue in this

litigation.

Having considered the parties' arguments during the December 7 hearing and consistent

with the Court's previous TRO ruling, the Court finds good cause exists to temporarily restrain

ThermoLife from pursing evaluation of the '813 patent through Amazon's Patent Evaluation

Process.

IT IS THEREFORE ORDERED THAT, effective immediately, ThermoLife shall refrain

from taking any action to further pursue evaluation through Amazon's Patent Evaluation Process

any of the patents at issue already pending in this case until further order of this Court.

SIGNED this 21th day of December, 2021.

ALAN D ALBRIGHT

UNITED STATES DISTRICT JUDGE